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BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. **2010-381**

**FRANK ALAN ISHAM, JR.**  
36 Valley View Drive, Apt. 18  
Oroville, CA 95966 and/or

**ACCUSATION**

Inmate No. AB4147  
High Desert State Prison  
P.O. Box 3030  
Susanville, CA 96127-3030

Registered Nurse License No. 586524

Respondent.

Complainant alleges:

**PARTIES**

1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

**Registered Nurse License**

2. On or about August 29, 2001, the Board issued Registered Nurse License Number 586524 to Frank Alan Isham, Jr. ("Respondent"). The registered nurse license was in full force

and effect at all times relevant to the charges brought herein and will expire on November 30, 2010, unless renewed.

### STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761, subdivision (f), states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

### COST RECOVERY

6. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### CAUSE FOR DISCIPLINE

#### (Criminal Conviction)

7. Respondent is subject to discipline pursuant to Code section 2761, subdivision (f), in that on October 28, 2009, in the Superior Court, County of Butte, California, in the matter entitled *People vs. Frank Alan Isham, Jr.*, 2009, Case No. CM031460, Respondent was convicted by the court following his plea of no contest to a violation of Penal Code section 288, subdivision (b)(1) (forcible lewd act upon a child), a felony, with a special allegation, use of force, pursuant to Penal

1 Code sections 288 and 288.5. The circumstances of the crime are that on or about August 26,  
2 2009, Respondent pushed RC down on the couch and asked to see her "privates". After being  
3 told no by RC, Respondent pulled her shorts off, pinned her legs back with his hands, and licked  
4 her vaginal area. Respondent is currently serving a 6-year prison term.

5 PRAYER

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
7 and that following the hearing, the Board of Registered Nursing issue a decision:

8 1. Revoking or suspending Registered Nurse License Number 586524, issued to Frank  
9 Alan Isham, Jr.;

10 2. Ordering Frank Alan Isham, Jr., to pay the Board of Registered Nursing the  
11 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
12 Professions Code section 125.3; and,

13 3. Taking such other and further action as deemed necessary and proper.  
14  
15

16 DATED: 2/10/10

17 *for* *Louise Bailey*  
18 LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant  
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